

Remarks

By entry of this amendment, claims 1-14, 16-21 and 23-27 are currently pending in this application. Claims 1-2, 14, 16, 21 and 23 have been amended. Claims 15 and 22 have been canceled. In view of foregoing amendments and following remarks, the Applicants request reconsideration of the rejections, and a notification of allowance of the Application.

NONSTATUTORY DOUBLE PATENTING CLAIM REJECTIONS

Independent claims 1, 14 and 21 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 16 and 23 of copending Application No. 10/601,170. Because this provisional double patenting rejection is based on a co-pending application for which no patent has issued, no terminal disclaimer is necessary at this time. Applicants request that this rejection be held in abeyance until such time as allowable subject matter is identified in the present application.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

Claims 1-2, 4, 13-14, 16-21 and 23-27 stand rejected under 35 U.S.C. 103(a) as obvious over Haines (US Pat. App. No. 2003/0033211) in view of Ross (US Pat. No. 6,026,390). Claim 3 stands rejected under 35 U.S.C. 103(a) as obvious over Haines in view of Ross, further in view of Williams (US Pat. No. 5,600,554). Claims 5-9 stand rejected under 35 U.S.C. 103(a) as obvious over Haines in view of Ross, further in view of Official Notice. Claims 10-12 stand rejected under 35 U.S.C. 103(a) as obvious over Haines in view of Ross, further in view of Visual Rota ("Cash Budgets & Budgetary Control"). Applicants respectfully traverse the rejections.

Even under KSR, obviousness is not shown unless the collected art teaches all elements of the pending claims. *See, Ex Parte Wollenhaupt*, BPAI, Appeal No. 2007-3142 (Mar 13, 2008). Here, the claims define elements that are not disclosed by any cited reference. Applicant respectfully requests withdrawal of the outstanding rejections because the cited prior art references do not teach or suggest all elements of the pending claims

Independent claims 1, 14 and 21 Define Over The Cited References

Claim 1 recites, in relevant part:

creates an encumbrance for the given human resource object, the encumbrance **fixedly reserving a corresponding budget** in the position budgeting and control system for the given human resource object,

stores a result of said evaluation and **the encumbrance**,
monitors said budget during said predefined period of time, and
adjusts the encumbrance according to changes to human resource relevant data.

Claims 14 and 21 recites similar features. None of the cited references teaches or suggests these features. The Office Action alleges Haines discloses evaluating a budget for a given object for a predefined period of time based on retrieved data, storing a result of the evaluation and monitoring the budget during the predefined period of time. However, Haines is directed to implementing a purchaser incentive program on a network-wide level. Haines, Abstract. The cited paragraphs 0139-140 mentions matching budgeted items to actual items and this budget reconciliation may include alerts when there is over- or under- spending. Nothing in Haines teaches or suggests **an encumbrance "fixedly reserving a corresponding budget"** as claimed.

The Ross reference does not cure the deficiencies of Haines. Ross is directed to incrementally maintaining a first materialized view of data in a database. In cited portion, Ross merely mentions maintaining a view of departments whose expenses exceeds their budget. Ross, col. 3, ll. 55-65. Ross does not teach or suggests **an encumbrance "fixedly reserving a corresponding budget"** either. Therefore, either alone or in combination, Haines and Ross do not teach or suggest all elements of independent claims 1, 14 and 21.

Dependent claims 2, 4, 13, 16-20 and 23-27 depends from independent claims 1, 14 and 21 respectively. They are patentable for at least the same reasons for their respective base claims as well as for their own features, which include:

- adjusting the encumbrance corresponds to continuously adapting said reserved funds by subtracting effected salary payments [claims 16 and 23].

These claims define over the cited art. Therefore, Applicants respectfully request withdrawal of the obviousness rejections thereto.

The Office Action further cites to Williams, Office Notice and Visual Rota for other features recited in dependent claims 3, 5-9 and 10-12 respectively. Williams is directed to managing payroll data and human resource data by matching employee-type for each employee

with employee-identifier to generate payroll. The Official Notice is directed to calculating an employee's salary, combining several employee salary budges into a department budget, monitoring a department budget and comparison of said calculated budget with actually effected salary payments. The Visual Rota is directed to determining cost of employees by an hourly rate. Neither of the cited references mentions **an encumbrance "fixedly reserving a corresponding budget"** and cures the deficiencies of Haines and Ross. Therefore, claims 3, 5-9 and 10-12 are patentable for at least the same reasons for their base claim 1.

CONCLUSION

All outstanding rejections have been overcome. It is respectfully submitted that, in view of the foregoing amendments and remarks, the application is in clear condition for allowance. Issuance of a Notice of Allowance is earnestly solicited.

Although not believed necessary, the Office is hereby authorized to charge any fees required under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayments to Deposit Account No. 11-0600.

The Office is invited to contact the undersigned at 202-220-4200 to discuss any matter regarding this application.

Respectfully submitted,

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